



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,625	01/17/2001	Don F. Kesterson	067647.0117	8122

7590 12/13/2007
Barton E. Showalter, Esq.
Baker Botts L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

SINGH, RAMNANDAN P

ART UNIT	PAPER NUMBER
----------	--------------

2614

MAIL DATE	DELIVERY MODE
-----------	---------------

12/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div> <p style="text-align: center;">Office Action Summary</p>	Application No.	Applicant(s)	
	09/764,625	KESTERSON ET AL.	
	Examiner	Art Unit	
	Ramnandan Singh	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-15,17-19 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-15, 17-19, 21-33, 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Claim 24 recites the limitations "means for receiving a first communication signal" in line 3, "means for transmitting the first communication signal" in line 5, "means for receiving a second communication signal" in line 7, and "means for transmitting a second communication signal" in line 9. These means are not shown in the figures. Therefore, these means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the

several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 3-9, 11-15, 17-19, 21-33, 24-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites the limitation "to receive a first communication signal from the network component using the first path of communication and is operable to transmit a second communication signal to the network component using the second path of communication" in lines 5-8. A similar thing holds for claims 11, 17, 21 and 24. The "Summary of the Invention" section of the specification [Page 3] merely restates claim 1. The specification fails to adequately describe as to HOW a first communication signal, a second communication signal, a first communication path, and a second communication path ARE RELATED TO a communication coupling, a network component, and a communication system for transmission and reception. In view of the above, one of the ordinary skill in the art will not be able to make and/or use the invention without undue experimentation [See MPEP § 216t4.01].

In addition, claim 5 recites the limitation " further comprising third and fourth communication paths" in lines 1-2. The specification does not support this limitation. A similar thing holds for claims 6, 13, 19 and 25.

Further, claims 3-4, 7-9, 26 being dependent from claim 1, claims 12, 14-15 being dependent from claim 11, claim 18 being dependent from claim 17, and claim 22 being dependent from claim 21 are also rejected.

4. **Request for Help**

Examiner requests the inventors to help the examiner in clearly understanding the claims, and in mapping out the claims into the drawings.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 11-15, 17 and 24, as best understood in light of the 112 (1st Paragraph) rejection above, are rejected under 35 U.S.C. 103(a) as being unpatentable over Klupt et al [US 5,014,299] in view of Bell [US 5,930,340].

Regarding claim 11, Klupt et al teach a communication (i.e. modem) coupler, as shown in Fig. 4, comprising:

a first communication port (T1, T2) having first (i.e. Ring) and second (i.e. Tip) paths of communication with a network component (i.e. C/O lines) [Figs. 1, 2], and

operable to receive a first communication signal (i.e. voice signal) having a first frequency band from the network component using the first path (i.e. Ring line) of communication [Fig. 4; col. 4, lines 34-41];

a second communication port (T3, T4) operable to transmit the first communication signal to a communication system comprising telephone set (10) and modem (16) [Fig. 4];

a third communication port (T9, T10) operable to receive a second communication signal (i.e. data) having a second frequency band from the communication system [Fig. 4; col. 4, lines 49-57] and;

the first communication port further operable to transmit the second communication signal to the network component using the second path (Tip) of communication [Figs. 1, 4; col. 1, line 10 to col. 4, line 57].

Klupt et al do not teach expressly receiving and transmitting a composite signal having a first frequency band (i.e. voice signal) and a second frequency band (i.e. data signal) over a standard telephone network.

Bell teaches a device and method for transmitting a composite signal comprising a voice and a data signal and separating the received composite signal into voice and data signals using filters on an internal telephone wire network inside a customer premise [Figs. 1-4; col. 4, line 16 to col. 8, line 2; Abstract].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Bell with Klupt et al in order to provide high speed data transmission from a Central Office (CO) of the telephone company to the customer premise over the existing twisted-pair copper wire wiring [Bell; col. 1, lines 26-54].

Claims 17 and 24 are essentially similar to claim 11 and are rejected for the reasons stated above.

Claim 1 is essentially similar to claim 11 except for a switch. Klupt et al further teach a switch (29) [Fig. 2].

Regarding claim 12, the combination of Klupt et al and Bell further

teaches the coupler, wherein the first communication port includes a first pair of conductors (C1-T4, C2-T3) and a second pair of conductors (C3-T9 and C4-T10), and further comprising a switch (29) having a first position (C1-C2) in which the first path of communication includes the first pair of conductors and a second position (C3-C4) in which the first path of communication includes the second pair of conductors [Klupt et al; Fig. 4].

Regarding claim 13, the combination of Klupt et al and Bell further teaches the coupler, comprising at least third (C3-T9) and fourth (C4-T10) communication paths coupling the communication coupling with a communication system, the third communication path communicating the first frequency band with the communication system and the fourth communication path communicating the first and second frequency bands with the communication system; wherein selecting the third communication path for communicating the first frequency band and the fourth communication path for communicating the first and second frequency bands (i.e. composite signal) is a matter of design choice.

Regarding claim 14, the combination of Klupt et al and Bell further

teaches the coupler, wherein the first communication signal (i.e. composite signal) includes a digital subscriber line (DSL) signal and a first analog telephone signal, and the second communication signal includes a second analog telephone signal, wherein selecting the first communication signal and the second communication as defined above is a matter of design choice.

Regarding claim 15, the combination of Klupt et al and Bell further teaches the coupler, comprising a fourth communication port (T5, T6) operable to communicate with a terminal unit [Klupt et al; Fig. 4].

Response to Arguments

7. Applicant's arguments filed Sep 4, 2007 have been fully considered but they are not persuasive.

(i) Applicant's argument [page 9, line 28 to page 10, line 14]—

"Applicants respectfully contend that the specification as originally filed entirely supports claim 1. For example, the specification as originally filed includes the following paragraph: "In accordance with ...using the first communication path" (Specification, page 3, lines 12-27)".

Examiner's response—Examiner respectfully disagrees. The above cited paragraph is from the Summary of the Invention" section of the specification and merely restates claim 1. It is unclear how a first communication signal, a second communication signal, a first communication path, and a second communication path are related to a communication coupler, a network component, and a communication system for transmission and reception.

(ii) Applicant's argument [Page 11, lines 7-8]—" Moreover, third and fourth communication path are supported by the specification as originally filed . See specification, page 32 (original claim 13)".

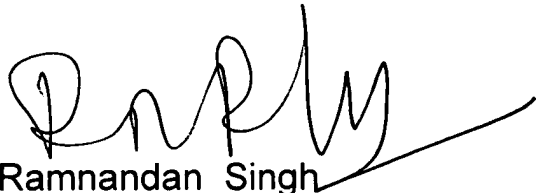
Examiner's response—Examiner respectfully disagrees. The specification does not support "third and fourth communication paths" as claimed in claim 13. As such, the specification fails to adequately describe as to how a third communication path, and a fourth communication path are related to a communication coupling, a network component, and a communication system for transmission and reception.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ramnandan Singh
Primary Examiner
Art Unit 2614